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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,831	10/11/2001	Kamal Acharya	NETS0085	3000
22862	7590	06/20/2006	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			DUNHAM, JASON B	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/975,831	<b>Applicant(s)</b> ACHARYA ET AL.	
	<b>Examiner</b> Jason B. Dunham	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3, and 6-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

Applicant amendment of 1-2-03 amended claims 1 and canceled claims 4 - 5 as well as traversed rejections of Claims 1, 3 and 6 - 25.

The Affidavit filed on 12-22-05 under 37 CFR 1.131 is sufficient to overcome the Portman reference. Of note, the conception date of the invention is considered to be 10/16/2000.

Currently, claims 1, 3 and 6 - 25 are pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3, 6 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pricescan (PTO-892, Ref U) in view of Biswas (US 6,594,666B1).**

Referring to claim 1 and related claims 22 and 23, Pricescan discloses a method and system for providing an integrated electronic list of providers (page 3), comprising the steps of

Art Unit: 3625

determining at least one online provider for an item (page 4, "Does a vendor need to have a web site to be included in the shopping guide");

determining at least one offline provider for the item (page 4, "Does a vendor need to have a web site to be included in the shopping guide");

wherein the determining step follows a request for a product (page 10);

and

integrating the at least one online provider with the at least one offline provider to provide an integrated list of providers for the item (page 4, "Does a vendor need to have a web site to be included in the shopping guide").

However, Pricescan does not specifically disclose and teach a method and system wherein when the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored; wherein the request is for a predetermined proximity to a target location, the user may choose a radius for said target location.

On the other hand and in the same area of providing a list of providers, Biswas teaches a method and system Wherein when the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored; wherein the request is for a predetermined proximity to a target location, the user may choose a radius for said target location (see at least Abstract and Col 5, lines 25 - 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method and system of Pricescan with the method and system of Biswas to have enabled the method as recited in claim 1. Pricescan discloses a method and system for providing an integrated electronic list of providers, comprising the steps of determining at least one online provider for an item (page 4, determining at least one offline provider for the item (page 4, wherein the determining step follows a request for a product and integrating the at least one online provider with the at least one offline provider to provide an integrated list of providers for the item (see at least page 4, "Does a vendor need to have a web site to be included in the shopping guide"). In turn, Biswas teaches a method and system wherein when the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored; wherein the request is for a predetermined proximity to a target location, the user may choose a radius for said target location (see at least Para 0008, 0041, 0043, 0048 and 0070). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of Pricescan with a method and system wherein when the request is for a desired geographical area, a user may choose one of several target locations, which have been previously created and stored; wherein the request is for a predetermined proximity to a target location, the user may choose a radius for said target location. Thereby, the user can receive both comparison-shopping with geographic area of interest, which will ease the number of

Art Unit: 3625

task to accomplish manually to effect saving money both on the product and the driving time for the user

Referring to claim 3, Pricescan further discloses a method wherein the request is for a product category (page 3)

Referring to claim 6, Pricescan further discloses a method including providing comparison information for the at least one online provider and the at least one offline provider (page 3 - page 5).

Referring to claims 7 –13 Pricescan further discloses a method wherein the comparison information includes price, rating, review, availability, promotion, electronic wallet, and return-policy comparison (full text).

Referring to claim 14, Pricescan further discloses a method providing comparison information about at least two off line providers (page 4).

Referring to claims 15 -16, Pricescan further discloses a method wherein the comparison information includes in-store return policy and in-store pickup policy of online purchases (page 4).

Referring to claims 17 – 18, Pricescan further discloses a method wherein the comparison information includes special promotions and coupon-availability information (page 4).

Referring to claims 19 – 20, Pricescan\_in view of Biswas discloses a method according to claim 14 as indicated supra. Pricescan does not expressly disclose a method wherein the comparison information includes proximity and direction to the at least two offline providers. Biswas discloses a method wherein the comparison information includes proximity and direction to the at least two offline providers (Col 5, lines 25 – 30). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified the apparatus, system, and method of Pricescan to include the limitations Biswas as discussed above in order to allow the consumer to save money and help take the hassle out of shopping (Pricescan: Page 3).

Referring to claim 21, Pricescan further discloses a method wherein the comparison information includes user review (page 12).

Referring to claim 24, Pricescan further discloses a computer system implement on a network environment (full text).

Referring to claim 25, Pricescan further discloses a computer system wherein the network environment further comprising a global communications network (full text).

***Response to Arguments***

Applicant's arguments with respect to claims 1,3, and 6-25 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is Treyz (US 6,587,835 B1), which discloses that online comparison shopping with geographical location was old and well known at the time of applicant's invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

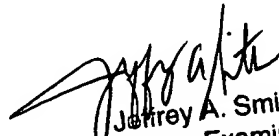


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason B. Dunham whose telephone number is 571-272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBD  
Patent Examiner  
6/16/06

  
Jeffrey A. Smith  
Primary Examiner